

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 3, 2007. Claims 1 to 40 are pending in the application, of which Claims 1, 7, 12, 17 and 22 to 30 are in independent form. Reconsideration and further examination are respectfully requested.

Applicants wish to thank the Examiner for the indication that Claims 4, 5, 10, 11, 15, 16, 20 and 21 contain allowable subject matter, and were merely objected to for their dependence on a rejected base claim.

Claims 5, 11, 16 and 21 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly lacking antecedent basis for the recitation “said images”. Accordingly, independent Claims 1, 7, 12 and 17 have been amended to provide antecedent basis for the recitation “said images” in Claims 5, 11, 16 and 21, respectively. In view of these amendments, withdrawal of these rejections is respectfully requested.

Claims 1 to 3, 6 to 9, 12 to 14, 17 to 19 and 22 to 30 were rejected under 35 U.S.C. § 102(a) over U.S. Patent No. 5,751,286 (Barber). Reconsideration and withdrawal of these rejections are respectfully requested.

The present invention generally concerns classifying of images and searching through classified images. More specifically, the present invention involves metadata, associations between the images and the metadata, iconic representations of the metadata, and iconic representations of the images.

Independent Claims 1, 7, 17, 22, 23, 25 and 26

In an aspect of the invention as defined by independent Claims 1, 7, 17, 22, 23, 25 and 26, images are classified. Iconic representations of one or more images are displayed on a graphical user interface. An association between at least one of the images and at least one metadata item representing a classification of the image is created in response to the iconic representation of the image being positioned within a client area of the graphical user interface. Based on the created association, an iconic representation of the metadata item is generated for display on the graphical user interface.

Applicants submit that Barber fails to disclose or suggest all of the features of the present invention as claimed in Claims 1, 7, 12, 17, 22, 23, 25 or 26. Specifically, Barber is not seen to disclose or suggest classifying by (1) creating an association between at least one image and at least one metadata item representing a classification of the image, in response to an iconic representation of the image being positioned within a client area of a graphical user interface, and (2) generating an iconic representation of the metadata item, for display on the graphical user interface, based on the created association.

Barber discloses searching images in an image database in response to queries which include the visual characteristics of the images, such as colors, textures, shapes, and sizes, as well as by textual tags appended to the images. Queries are constructed in an image query construction area in response to values of the visual representations of the visual characteristics and locations of the representations in the query construction area. Prespecified values for image characteristics are represented as thumbnails, which are contained in color, texture, shape and category selection containers. A query is constructed by dragging the thumbnails of the desired image characteristics to an

example image window from the color, texture, shape and category selection containers, and a query is generated based on the thumbnails dropped into the example image window.

While Barber discloses dragging a thumbnail representing image characteristics onto the example image window, Barber is silent on positioning an iconic representation of an image within a client area of a graphical user interface to create an association between the image and metadata. Moreover, Barber is silent on generating an iconic representation of metadata based on the created association.

The invention, on the other hand, involves creating associations between images and metadata, in response to iconic representations of the images being positioned within a client area of a graphical user interface. Iconic representations of metadata items are generated, based on the created associations.

In contrast, the images stored in the image database of Barber are not positioned within a client area of a graphical user interface to create an association between at least one of the images and at least one metadata item representing a classification of the image. Instead, thumbnails corresponding to prespecified values for image characteristics are dragged onto Barber's example image window to generate a query used to search images in the image database.

In entering its rejection, the PTO focused on Barber's element labeled "Bears", as shown in Fig. 5 and described at column 9. However, as understood by Applicants, the "Bears" element was used in the rejection as both an iconic representation of an image and an iconic representation of metadata. This treatment seems improper given the language of the claims and the description in the specification. As used herein,

images and metadata are distinct concepts, and iconic representations of images are also distinct from iconic representations of metadata.

Therefore, Barber is not seen to disclose or suggest at least the claimed features of (1) creating an association between at least one image and at least one metadata item representing a classification of the image, in response to an iconic representation of the image being positioned within a client area of a graphical user interface, and (2) generating an iconic representation of the metadata item, for display on the graphical user interface, based on the created association.

Allowance of these claims is respectfully requested.

Independent Claims 12, 24, 27, 28, 29 and 30

In an aspect of the invention as defined by independent Claims 12, 24 and 27 to 30, classified images are searched. An iconic representation of at least one metadata item is displayed on a graphical user interface. An association between the at least one metadata item and at least one image is determined in response to selection of the iconic representation of the metadata item. Based on the association, an iconic representation of the at least one image is generated. The iconic representation of the at least one image is adapted for display on the graphical user interface.

In view of the disclosure of Barber as discussed above, Applicants submit that Barber fails to disclose or suggest all of the features of the present invention as claimed in Claims 12, 24, 27, 28, 29 or 30. Specifically, Barber is not seen to disclose or suggest search by (1) selection of iconic representations of metadata items, and (2) generation of

iconic representations of images, based on associations between the metadata items and the images, as determined by the selection.

Allowance of these claims is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Michael K. O'Neill
Michael K. O'Neill
Attorney for Applicants
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 1839903v1